IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FARAD CONTINUATION SHEET

CIVIL APPLICATION NO.1989 OF 2001

IN

FIRST APPEAL NO.517 OF 2001

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.

Court's or Judge's orders

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CORAM: A.S.OKA, J.

DATED: SEPTEMBER 1, 2004.

P.C.:

1. Rule. Shri Patil waives service for B.M.C.. Taken up for hearing forthwith. First Appeal is already admitted for final hearing. Therefore, the suit structure cannot be permitted to be demolished.

2. Hence, Civil Application is allowed in terms of prayer clause (a) subject to the condition of the Applicant filing unconditional undertaking in this Court within three weeks from today stating therein that he will not create any third

interests in respect of the suit structure, he will not part with possession and he will not carry out any additions or alterations in respect of the suit structure without seeking permission of this Court.

3. If undertaking is not filed within the stipulated period, interim relief granted shall stand vacated.

4. In case the Applicant/Appellant commits any breach of undertaking, liberty to the Respondent-Corporation to apply for modification of this order. There will be no order as to costs.

Judge.